

BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268-0001

RECEIVED

JUL 12 4 13 PM '02

POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268-0001

Complaint on First-Class Mail
Service Standards

Docket No. C2001-3

REPLY OF THE UNITED STATES POSTAL SERVICE TO MOTION FOR
CLARIFICATION OF PRESIDING OFFICER'S RULING NO. C2001-3/23
(July 12, 2002)

On July 5, 2002, Complainant filed a motion which purports to seek clarification of Presiding Officer's Ruling No. C2001-3/23. The Postal Service hereby respectfully submits its reply to that motion.

Presiding Officer's Ruling unambiguously denied Complainant's motion seeking access to First-Class Mail point-to-point EXFC service performance data and ODIS time-in-transit data. Instead, as Complainant acknowledges at page 4 of his July 5, 2002, motion for reconsideration, the Ruling directed the Postal Service to provide, separately for each data system, the originating and the destinating scores for the various postal districts in question. Those data were filed in USPS-LR-C2001-3/9, beginning on July 3, 2002.¹

Complainant argues that when he initially read the Ruling, he "interpreted the ruling as requiring production of point -to-point data, but that the data would be aggregated to the district level." However, there is absolutely no basis for such an interpretation on the face of the Ruling. Moreover, the interpretation of that Ruling now advanced by Complainant is contrary to the very clear directive that the Postal Service provide, separately, the originating and destinating scores for each district, which it has

¹ One will observe that the data in USPS-LR-C2001-3/9, the separate originating and destinating 2-day and 3-day scores for each performance cluster or district, are the 2-day and 3-day equivalents of the 1-day EXFC performance cluster destinating scores that have been routinely published by the Postal Service for over a decade.

done. There is no intimation in the Ruling that specific origin-destination pair data at any level are to be disclosed. Very explicitly, the Ruling indicated that "it is not necessary to review city-specific data in order to perform the evaluations contemplated by complainant." Ruling at 10.

The Complaint in this proceeding raises the question of whether, *on a nationwide or substantially nationwide basis*, the service standard changes implemented in completion of Phase 2 of the Postal Service's service standard realignment result in service that meets the policies of the Postal Reorganization Act. The focus of this proceeding is 2-day and 3-day First-Class Mail service, as a whole, not localized service between particular cities or districts.

In his December 3, 2001, pleading opposing the application of protective conditions to the data originally requested in DFC/USPS-9, Complainant admitted to a broad public relations and political campaign, related to this proceeding, in which he hoped to employ the requested data. Be that as it may, within the narrow confines of this docket, Ruling No. C2001-3/23 has substantially limited the scope of the Postal Service's disclosure obligation to only those data necessary to a resolution of the issues raised in the complaint. The Postal Service has complied with that directive.

On page 4 of his motion, Complainant argues that the Ruling "resolved issues in favor of disclosure of point-to-point- data." The Postal Service concedes that the Ruling reflects the Presiding Officer's views of the application of protective conditions to the data at issue. However, the Ruling does not go so far as to require the public disclosure of the data set to which it would not apply protective conditions.

Notwithstanding the broader implications of Ruling No. C2001-3/23, the Postal Service has responded to the Ruling in a manner it considers is consistent with the Presiding Officer's intent, but that also reflects the full extent to which it considers that disaggregated EXFC and ODIS data can be publicly disclosed without any jeopardy to

its competitive and commercial interests. Combined with other information already provided in this proceeding, the data currently in USPS-LR-C2001-3/9 (which will be supplemented, as indicated in the notice of filing of that library reference) provide the parties with an adequate basis for making assertions relevant to whether the service standard changes in question, on a nationwide or substantially nationwide basis, result in service that complies with the policies of the Act, Complainant's desire to shift the focus to "localized" issues, notwithstanding.

The motion for clarification should be denied. In the alternative, the Ruling should be clarified by confirming its plain meaning, as described above.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

Daniel J. Foucheaux, Jr.
Chief Counsel
Ratemaking



Michael T. Tidwell
Attorney

CERTIFICATE OF SERVICE

I hereby certify that, in accordance with section 12 of the Rules of Practice, I have this day served the foregoing document upon all parties of record in this proceeding.



Michael T. Tidwell

475 L'Enfant Plaza West, S.W.
Washington, D.C. 20260-1137
(202) 268-2998/ FAX: -5402
July 12, 2002
mtidwell@email.usps.gov